

### REMARKS

Reconsideration of the application is requested in view of the above amendments to the following remarks. Claims 1, 3, 4, 7, 11, 12, 15, 17, 18, 21, 23 and 24 have been amended to remove the term "inert". New claims 30 and 31 are new dependent claims directed to the inert limitation removed from claims 1 and 15. New claims 27-29 have been added and are supported by the description at page 6, lines 3-7 of the present specification.

The present Office Action identified three species from which the applicant is required to elect a single species to which the claims will be restricted if no generic claim is finally held to be allowable. Applicant hereby elects Species II, directed to Figure 3, and claims 3, 7, 17, 18 and 21 that correspond with Species II.

The Office Action further identifies claims 1, 5, 9, 10, 12-15, 19, 22 and 24-26 as generic claims. Applicants respectfully traverse this finding of generic claims, as well as the Examiner's allocation of claims to the respective Species corresponding to Figures 1 and 3.

#### Generic Claims

Applicants submit that the system claims 1-3, 5 and 9-14 are all generic. Claim 1 is an independent claim and includes within its scope the subject matter of all the claims dependent thereon. Claim 2 specifies that the control means controls the mass flow ratio value toward a constant value. This feature is supported by the embodiment of Figures 1, 3 and 4. In relation to Figure 1, the flow measuring device 11, control unit 10 and motor 9 control the metering value 7 to provide a constant mass flow ratio (see page 5, line 5 of the present specification). In the embodiment of Figure 3, the metering valve 7 is directly controlled by the pressure in the inert gas containing vessel 14. The characteristics of the valve are selected such that it is adjusted by the decaying gas pressure in such a way to keep the mass flow ratio constant (see page 6, line 18 and page 7, lines 4-5 of the present specification). In the Figure 4 embodiment, water from the vessel 5 can be fed to the outlet nozzle 13 via either or both of two pipes 12A and 12B under control of a selector valve 29. Pipe 12A incorporates a control orifice 32 having a relatively large open cross section while pipe 12B incorporates a control orifice having a relatively small open cross section. The selector valve 29 can vary the mass flow rate of the water by selecting which of the pipes 12A and/or 12B feed the pressurised water to the outlet nozzle 13. During the

early part of discharge, the selector valve 29 will select pipe 12A so that the mass flow rate is relatively high. After an initial period, when the pressure in the gas vessel 14 has decreased, the selector valve selects pipe 12B instead of 12A. Those who have skill in the art will understand that selecting the pipes 12A, 12B in this manner will tend to keep the value of the mass flow ratio constant. Therefore, it is submitted that the subject matter of dependent claim 2 is generic.

Claim 3 specifies that the control means includes means to pressurize the liquid-extinguishing agent independence on the pressure of the inert gas. This feature is present in Figures 1, 3 and 4 as well. In these embodiments, the water in the vessel 5 is pressurised by the gas within the vessel 14 via the inner connection 30 (see page 4, line 15 of the present specification).

Claim 4 specifies that the inert gas is pressurised by being stored under pressure that reduces during the flow thereof and reduces the mass flow rate of the inert gas, and in which the control means includes means for applying the pressure of this stored inert gas to pressurize the liquid extinguishing agent. The reducing applied pressure correspondingly reduces the mass flow rate of the liquid extinguishing agent. This is present in each of the embodiments of the present application. As is explained in the text at pages 4-5 of the present specification:

During discharge, the water is forced out of the vessel 5 by the gas pressure in the vessel 14 and passes through the metering valve 7 into the nozzle 13 where it is converted into a mist within the mixing chamber 6. At the same time, the gas is forced through the pipe 20 into the mixing chamber 6. As the gas pressure in the vessel 14 decays, there will clearly be a reduction in the value of  $M_w$  [the mass flow rate of the liquid extinguishing agent].

This text from the present specification explains how in claim 4 the "reducing the pressure correspondingly reduces the mass flow rate [ $M_w$ ] of the liquid extinguishing agent." The water in the vessel 5 is pressurized by the gas within the vessel 14 via the interconnection 30. The feature of claim 4 is present in the embodiments of Figures 1, 3 and 4. Therefore, the subject matter of claim 4 is generic.

Applicants submit that claim 11 is also generic. Claim 11 specifies that the control means includes means responsive to the mass flow rate of the inner gas for adjusting a pump to vary the pressure of the source the liquid extinguishing agent. This feature is described in

relation to each of the embodiments in the first paragraph on page 10 of the present specification. (The reference to Figures 1, 2 and 4 at line 1 of page 10 is clearly an error and should refer to Figures 1, 2 and 4). Therefore, it is submitted that claim 11 is clearly generic.

In regard to the method claims, the Examiner's acknowledgment that independent method claim 15 and dependent method claims 19, 22 and 24-26 are generic is appreciated. Dependent method claims 16 and 17 correspond to dependent system claims 2 and 3, and it is submitted that dependent method claims 16 and 17 are generic for the reasons explained above in relation to the dependent system claims 2 and 3. Dependent method claim 18 corresponds to system claim 4, and it is submitted that dependent method claim 18 is generic for the reasons explained above in relation to claim 4. Dependent method claim 23 corresponds to dependent system claim 11, and it is submitted that dependent method claim 23 is generic for the same reasons it is explained above in relation to dependent system claim 11.

#### Species I

Applicants agree that claims 6 and 20 correspond to Species I. However, as indicated above, it is submitted that claims 2, 4, 16 and 23 are generic and do not belong only to Species I.

#### Species II

Applicants agree that dependent claims 7 and 21 correspond to Species II. However, for the reasons explained above, it is submitted the claims 3, 17 and 18 are generic and do not correspond only to Species II.

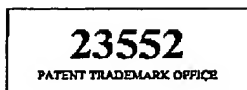
#### Species III

Applicants agree that claim 8 corresponds to Species III.

Although the Applicant considers the generic claims to be allowable, to facilitate further examination of this application, Applicants hereby elect Species II as noted above.


In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a telephone conference would be helpful in resolving any issues related to this matter, please contact Applicants' attorney listed below at 612.371.5387.

Respectfully submitted,



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